

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

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v.

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Docket No. 95-5146

NATHANIEL DAWSON, SR., et al

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RESPONSE TO REQUEST FOR MANDATE REMOVAL FOR WRIT OF
CERTIORARI PETITION FOR UNITED STATES SUPREME COURT

Howard L. Cardin in response to Motion to Recall Mandate provides the following information:

1. I represented **Nathaniel Dawson, Sr.** in the United States District Court for the District of Maryland as well as on appeal to the United States Court of Appeals for the Fourth Circuit.

2. I have been able to retrieve my file and to view same.

3. I received a letter dated August 12, 1998, from Nathaniel Dawson, Inmate #35740-054 who was then incarcerated at Lewisburg, Pennsylvania stating

“Lets deal with this on another note! A petition for certiorari is being prepared for filing at the Supreme Court. I have spoken to Wesley Serra, who has indicated that your son does not have the funds to pay him for a petition of certiorari and, thus, I am preparing it on your behalf. It is my expectation that your son will dovetail on our petition, which is certainly fine with me.”

4. On July 17, 1998, Scott A. Richie, Counsel for the Clerk's Office, United States Court of Appeals for the Fourth Circuit wrote to **Nathaniel Dawson, Jr.** acknowledging receipt of his letter requesting appointment of Counsel for the purpose of filing a Petition for Writ of Certiorari with the United States Supreme Court and that that request had been denied.

5. On July 27, 1998, Clayton R. Higgins, Jr., Assistant Clerk wrote to **Nathaniel Dawson, Jr.** and advised that an extension of time in which to file a Petition for Writ of Certiorari in the Supreme Court had been presented to the Chief Justice who on July 27, 1998, denied the application.

6. On August 21, 1998, I filed a Motion to Extend Time to File a Petition for Writ of Certiorari was filed with the United States Supreme Court.

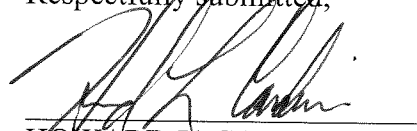
7. On August 25, 1998, a letter was received from William K. Suter, Clerk, by Clayton R. Higgins, Jr. advising that the application for extension of time within to file a Petition for Writ of Certiorari was denied.

8. That the Motion to Extend Time to File Petition for Writ of Certiorari states in Paragraph three:

“Because of a misinterpretation of local 4th Circuit rules, undersigned counsel initially believed the time for filing a petition for writ of certiorari ran from the issuance of the mandate, as opposed to running from the date of the opinion. Due to this miscalculation, the time normally allowed for filing such a writ has lapsed.”

The above information is provided in order to assist the Court. I have no independent recollection of the events.


Respectfully submitted,



HOWARD L. CARDIN
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211 Saint Paul Place
Baltimore, MD 21202
410-727-3868

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this 2nd day of February, 2012, a copy of the foregoing Response was mailed first class mail, postage prepaid to Nathaniel Dawson, Sr., United States Penitentiary, Reg. No. 35740-054, U.S.P. Tucson, P.O. Box 24550, Tucson, Arizona 85734 and Christine Manuelian, Assistant United States Attorney, Office of the United States Attorney, 36 S. Charles Street, 4th Floor, Baltimore, Maryland 21201.


HOWARD L. CARDIN